

WHEREAS, there are currently eligible at-risk four-year-olds throughout the State who have applied for NC Pre-K and who have been placed on waiting lists instead of being immediately enrolled; and

WHEREAS, the North Carolina Court of Appeals' decision makes clear that the State may "not deny any eligible 'at-risk' four-year-old admission to the North Carolina Pre-Kindergarten Program"; and

WHEREAS, the North Carolina Department of Health and Human Services (hereafter "the Department") has determined that capacity currently exists for the State to (1) enroll by January 1, 2013, into NC Pre-K up to 6,300 additional eligible at-risk four-year-olds; and (2) begin enrollment immediately; and

WHEREAS, North Carolina General Statute § 143C-6-4(b)(2)a. permits an agency, with the approval of the Director of the Budget, to spend more than was authorized in the certified budget for a program if the overexpenditure of the program is required by a court order; and

WHEREAS, the General Fund budget for fiscal year 2012 ended with an unreserved fund balance of approximately \$400 million.

NOW, THEREFORE, by the power vested in me as Governor by the Constitution and laws of North Carolina, **IT IS ORDERED**:

Section 1. The Department is directed to enroll up to 6,300 eligible at-risk four-year-olds in NC Pre-K beginning immediately as of October 19, 2012, and continuing through January 1, 2013.

Section 2. The Secretary of the Department is directed to (1) identify anticipated unspent funds within the Department's budget in an amount sufficient to accomplish the enrollments set out in Section 1 above; and (2) transfer said funds to the Division of Child Development and Early Education to support the increased enrollment in NC Pre-K.

Section 3. The Department is directed to pursue all available means to expand the capacity of NC Pre-K throughout the State in order to accomplish, as soon as is practicable, the ultimate goal of enrolling all eligible at-risk-four-year-olds who apply for admission to NC Pre-K.

Section 4. The Department shall strive to eliminate any existing or potential barriers that have the effect of preventing or discouraging participation by eligible at-risk four-year-olds in NC Pre-K.

Section 5. The Department shall ensure that the existing high academic standards for NC Pre-K shall remain in effect throughout the State.

Section 6. I call on the General Assembly to appropriate the required funds in the legislative session commencing in January, 2013 to enable the State to fulfill its constitutional duty of enrolling within NC Pre-K all eligible at-risk four-year-olds who apply for admission.